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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,454	04/13/2001	Toshiya Mori	NAK1-BO52	2925
21611	7590	06/15/2005	EXAMINER	
SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			HOSSAIN, FARZANA E	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/834,454	MORI, TOSHIYA	
Examiner	Art Unit		
Farzana E. Hossain	2616		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 April 2001.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-13 and 19-24 is/are allowed.

6)  Claim(s) 14-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 13 April 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement filed June 18, 2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the foreign patent JP10-126753 does not have an English translation. The information disclosure statement indicated that an English translation was provided. Please provide the Office with an English translation.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
3. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi (US 6,157,809) in view of Goodman et al (US 2002/0152477 and hereafter

referred to as "Goodman") and McPherson et al (US 6,591,420 and hereafter referred to as "McPherson").

Regarding Claim 14, Kambayashi discloses a receiving apparatus (Figure 1, 2, Column 11, lines 6-24). Kambayashi discloses that the receiving terminal (Figure 1, 2) has a receiving unit which receives a sub-video signal or interactive content prior to receiving the main video signal or video content (Column 11, lines 37-40, Column 11, lines 54-65). Kambayashi discloses that the reproduction unit reproduces the video signals (Column 11, lines 43-46). Kambayashi discloses that the sub-video signal or interactive content is reproduced upon receiving the video content (Column 11, lines 54-65). However, Kambayashi does not disclose a receiving means for receiving interactive content, which is transmitted in a data carousel or a reception control means for controlling the reproducing means to not reproduce the sub-video signal while the interactive content is received before the start of the scheduled broadcasting time period and to actually reproduce the interactive content during the scheduled broadcasting time period. Goodman discloses that the television programs, interactive applications, or interactive television data are transmitted and received by set top boxes and stored in the set top box (Page 1, paragraph 0009). Goodman discloses that the modules containing interactive content are transmitted in a carousel or cyclic manner (Page 2, paragraph 0021). McPherson discloses that a receiver receives video signals or interactive content (Column 4, lines 4-6) and is stored on a medium or electronically or cached into a storage unit (Column 4, lines 39-40) and that the video programs are not reproduced until a predetermined time or during the scheduled broadcasting time

period (Figure 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kambayashi to transmit the interactive content as a data carousel (page 2, paragraph 0021) as taught by Goodman in order to monitor simultaneously several sources needed for interactive content (Page 1, paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kambayashi to store the interactive content and not reproduce the content prior to the scheduled broadcasting time period (Figure 7) as taught by McPherson in order to prevent the display of programs prior to actual release dates (Column 1, lines 15-47).

Regarding Claim 15, Kambayashi, Goodman, and McPherson disclose all limitations of Claim 14. Kambayashi discloses that the sub-video picture cannot be reproduced prior to receiving the main picture and therefore stores the sub-video picture (Column 11, lines 43-46). However, Kambayashi and Goodman do not explicitly disclose that the sub-video picture receives a cache message that instructs to cache the interactive content. McPherson discloses that the interactive content is stored in a storage medium or electronically as indicated by time/date stamp (Figure 7). It would be inherent that there is an instruction to store the content, as the content is stored.

Regarding Claim 16, Kambayashi, Goodman, and McPherson disclose all limitations of Claim 15. Kambayashi discloses that the interactive content is reproduced by the reproduction unit upon receiving the main video signal (Column 11, lines 43-46). Kambayashi and Goodman do not disclose receiving a reproduction message to reproduce the interactive content or that the control means will reproduce in accordance

to the message. McPherson discloses that a release signal is received by the receiving unit, which can allow the program or interactive content to be played or reproduced (Figures 7 and 8).

Regarding Claim 17, Kambayashi, Goodman, and McPherson disclose all limitations of Claim 16. Kambayashi discloses that the interactive content is reproduced by the reproduction unit upon receiving the main video signal (Column 11, lines 43-46). Kambayashi and Goodman do not disclose that the reception control means reproduces interactive content cached in the storage unit will be reproduced upon receipt of the reproduction message. McPherson discloses that the program or interactive content in the media or electronically (Figure 7) will not be played or reproduced by the signal processing apparatus due to the encryption or specific data restricting its replaying or reproduction (Column 4, lines 36-39). McPherson discloses that the program will be played or reproduced as indicated by the release signal or reproduction message (Figure 7 and 8).

Regarding Claim 18, Kambayashi, Goodman, and McPherson disclose all limitations of Claim 16. Kambayashi discloses that the interactive content is reproduced by the reproduction unit upon receiving the main video signal (Column 11, lines 43-46). Kambayashi and Goodman do not disclose that the reception control means reproduces the interactive content cached in the storage unit, starting at a time indicated by the received reproduction message. McPherson discloses that the program or interactive content stored in the media or electronically (Figure 7) will not be played or reproduced

until the time given by the date/time stamp (Column 4, lines 36-39) and until the reception of the release signal or reproduction message (Figure 7 and 8).

***Allowable Subject Matter***

4. Claims 1-13 and 19-24 are allowed.

a. The following is an examiner's statement of reasons for allowance for Claims 1-13:

Kambayashi discloses that the broadcasting apparatus transmits programs including sub-video pictures or interactive content (Figure 1, 1 and Column 11, lines 54-65) during the scheduled broadcasting period (Figure 3).

Kambayashi discloses that the sub-video picture is distributed or transmitted in advance of the video picture or a predetermined time before the scheduled broadcasting time period (Column 11, lines 54-65 and Figure 3). Kambayashi does not disclose that the interactive content is transmitted in a data carousel.

Goodman discloses that interactive applications or interactive television data is transmitted in a cyclic or carousel (page 1, paragraph 0008 and page 2, paragraph 0021).

Neither Kambayashi nor the prior art teaches or suggests that "a transmission control means for controlling the transmitting means so as to repeatedly transmit a cache message that instructs a receiving apparatus to cache the interactive content into a storage unit in the receiving apparatus while the transmitting means pre-transmits the interactive content over a span of the predetermined time period."

b. The following is an examiner's statement of reasons for allowance for

Claim 19:

Kambayashi discloses a broadcasting system including a broadcasting station or apparatus and a terminal or receiving apparatus (Figure 1).

Kambayashi discloses that the broadcasting apparatus transmits programs including sub-video pictures or interactive content (Figure 1, 1 and Column 11, lines 54-65) during the scheduled broadcasting period (Figure 3). Kambayashi discloses that the sub-video picture is distributed or transmitted in advance of the video picture or a predetermined time before the scheduled broadcasting time period (Column 11, lines 54-65 and Figure 3). Kambayashi discloses that the receiving terminal (Figure 1, 2) has a receiving unit which receives a sub-video signal or interactive content prior to receiving the main video signal or video content (Column 11, lines 37-40, Column 11, lines 54-65). Kambayashi discloses that the reproduction unit reproduces the video signals (Column 11, lines 43-46). Kambayashi discloses that the sub-video signal or interactive content is reproduced upon receiving the video content (Column 11, lines 54-65). However, Kambayashi does not disclose that the interactive content is transmitted by the broadcasting station or received by the terminal in a data carousel or a reception control means for controlling the reproducing means to not reproduce the sub-video signal while the interactive content is received before the start of the scheduled broadcasting time period and to actually reproduce the interactive content during the scheduled broadcasting time period.

Goodman discloses that interactive applications or interactive television data is transmitted in a cyclic or carousel (page 1, paragraph 0008 and page 2, paragraph 0021). Goodman discloses that the television programs, interactive applications, or interactive television data are transmitted and received by set top boxes and stored in the set top box (Page 1, paragraph 0009). Goodman discloses that the modules containing interactive content are transmitted in a carousel or cyclic manner (Page 2, paragraph 0021). McPherson discloses that a receiver receives video signals or interactive content (Column 4, lines 4-6) and is stored on a medium or electronically or cached into a storage unit (Column 4, lines 39-40) and that the video programs are not reproduced until a predetermined time or during the scheduled broadcasting time period (Figure 7).

Neither Kambayashi nor the prior art teaches or suggests that "a transmission control means for controlling the transmitting means so as to repeatedly transmit a cache message that instructs a receiving apparatus to cache the interactive content into a storage unit in the receiving apparatus while the transmitting means pre-transmits the interactive content over a span of the predetermined time period."

c. The following is an examiner's statement of reasons for allowance for Claims 20-22:

Kambayashi discloses that the sub-video picture is distributed or transmitted in advance of the video picture or a predetermined time before the scheduled broadcasting time period (Column 11, lines 54-65 and Figure 3).

Kambayashi discloses that the broadcasting apparatus transmits programs including sub-video pictures or interactive content (Figure 1, 1 and Column 11, lines 54-65) during the scheduled broadcasting period (Figure 3). Kambayashi does not disclose that the interactive content is transmitted in a data carousel. Goodman discloses that interactive applications or interactive television data is transmitted in a cyclic or carousel (page 1, paragraph 0008 and page 2, paragraph 0021).

Neither Kambayashi nor the prior art teaches or suggests that "a cache message transmitting step for repeatedly transmitting a cache message that instructs a receiving apparatus to cache the interactive content into a storage unit in the receiving apparatus while the interactive content is pre-transmitted in the first transmitting step."

d. The following is an examiner's statement of reasons for allowance for Claims 23 and 24:

See reasons for allowance of Claims 20-22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 10, 2005  
FEH

  
CHRIS KELLEY  
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